

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE: PARAGARD PRODUCTS : MDL DOCKET NO. 2974  
LIABILITY LITIGATION :  
:

This document relates to: : 1:20-md-02974-LMM

KARLA AVELAR

vs.

TEVA PHARMACEUTICALS USA, INC.;;  
TEVA WOMEN'S HEALTH, LLC;  
TEVA BRANDED PHARMACEUTICAL  
PRODUCTS R&D, INC.; THE COOPER  
COMPANIES, INC.; and COOPERSURGICAL, INC.

Civil Action No.:

## **SHORT FORM COMPLAINT**

Come(s) now the Plaintiff(s) named below, and for her/their Complaint against the Defendant(s) named below, incorporate(s) the Second Amended Master Personal Injury Complaint (Doc. No. 79), in MDL No. 2974 by reference. Plaintiff(s) further plead(s) as follows:

1. Name of Plaintiff placed with Paragard:

Karla Avelar

2. Name of Plaintiff's Spouse (if a party to the case): N/A

3. If case is brought in a representative capacity, Name of Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

---

---

4. State of Residence of each Plaintiff (including any Plaintiff in a representative capacity) at time of filing of Plaintiff's original complaint:

Illinois

---

5. State of Residence of each Plaintiff at the time of Paragard placement:

Illinois

---

6. State of Residence of each Plaintiff at the time of Paragard removal:

Illinois

---

7. District Court and Division in which personal jurisdiction and venue would be proper:

United States District Court for the Northern District of Illinois

---

---

8. Defendants. (Check one or more of the following five (5) Defendants against whom Plaintiff's Complaint is made. The following five (5) Defendants are the only defendants against whom a Short Form Complaint may be filed. No other entity may be added as a defendant in a Short Form Complaint.):

- A. Teva Pharmaceuticals USA, Inc.
- B. Teva Women's Health, LLC
- C. Teva Branded Pharmaceutical Products R&D, Inc.
- D. The Cooper Companies, Inc.
- E. CooperSurgical, Inc.

9. Basis of Jurisdiction

- Diversity of Citizenship (28 U.S.C. § 1332(a))
- Other (if Other, identify below):

---

10.

Date(s) Plaintiff had Paragard placed (DD/MM/YYYY)	Placing Physician(s) or other Health Care Provider (include City and State)	Date Plaintiff's Paragard was Removed (DD/MM/YYYY)* *If multiple removal(s) or attempted removal procedures, list date of each separately.	Removal Physician(s) or other Health Care Provider (include City and State)** **If multiple removal(s) or attempted removal procedures, list information separately.
12/02/2016	Dr. Lehrer All Women's Medical Center 3140 W. Irving Park Rd. Chicago, IL 60618	12/07/2021	Rachel L Baskin, MD Advocate Illinois Masonic Medical Center 836 W Wellington Ave. Chicago, IL 60657

11. Plaintiff alleges breakage (other than thread or string breakage) of her Paragard upon removal.

Yes  
 No

12. Brief statement of injury(ies) Plaintiff is claiming:

Significant pain and suffering, complicated medical interventions to remove broken Paragard,  
loss of reproductive health, permanent impairment/disfigurement, and mental anguish.

---

Plaintiff reserves her right to allege additional injuries and complications specific to her.

13. Product Identification:

a. Lot Number of Paragard placed in Plaintiff (if now known):

Unknown

---

b. Did you obtain your Paragard from anyone other than the HealthCare Provider who placed your Paragard:

Yes  
 No

14. Counts in the Master Complaint brought by Plaintiff(s):

Count I – Strict Liability / Design Defect  
 Count II – Strict Liability / Failure to Warn  
 Count III – Strict Liability / Manufacturing Defect  
 Count IV – Negligence  
 Count V – Negligence / Design and Manufacturing Defect  
 Count VI – Negligence / Failure to Warn

- Count IX – Negligent Misrepresentation
- Count X – Breach of Express Warranty
- Count XI – Breach of Implied Warranty
- Count XII – Violation of Consumer Protection Laws
- Count XIII – Gross Negligence
- Count XIV – Unjust Enrichment
- Count XV – Punitive Damages
- Count XVI – Loss of Consortium
- Other Count(s) (Please state factual and legal basis for other claims not included in the Master Complaint below):  

---

---

15. “Tolling/Fraudulent Concealment” allegations:

- a. Is Plaintiff alleging “Tolling/Fraudulent Concealment”?
  - Yes
  - No
- b. If Plaintiff is alleging “tolling/fraudulent concealment” beyond the facts alleged in the Master Complaint, please state the facts and legal basis applicable to the Plaintiff in support of those allegations below:  

---

---

16. Count VII (Fraud & Deceit) and Count VIII (Fraud by Omission) allegations:

a. Is Plaintiff bringing a claim under Count VII (Fraud & Deceit), Count VIII (Fraud by Omission), and/or any other claim for fraud or misrepresentation?

**X** Yes  
 No

b. If Yes, the following information must be provided (in accordance with Federal Rule of Civil Procedure 8 and/or 9, and/or with pleading requirements applicable to Plaintiff's state law claims):

i. The alleged statement(s) of material fact that Plaintiff alleges was false: Paragard more effective than other hormone free birth control methods.

Easily reversible. Easy to remove. Nonsurgical removal in routine office visit. Can be removed anytime. Omitted breakage at or near routine removal requiring complicated medical intervention.

ii. Who allegedly made the statement: Defendants

[View Details](#) | [Edit](#) | [Delete](#)

iii. To whom the statement was allegedly made: Plaintiff and her physicians

iv. The date(s) on which the statement was allegedly made:

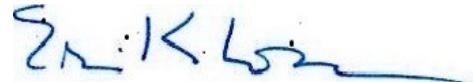
Various dates while Plaintiff intended to and was implanted with Paragard.

17. If Plaintiff is bringing any claim for manufacturing defect and alleging facts beyond those contained in the Master Complaint, the following information must be provided:

a. What does Plaintiff allege is the manufacturing defect in her Paragard? It is currently unknown if Plaintiffs' specific lot was defectively manufactured. Plaintiff will supplement as discovery proceeds.

18. Plaintiff's demand for the relief sought if different than what is alleged in the Master Complaint: \_\_\_\_\_  
\_\_\_\_\_

19. Jury Demand:  
 Jury Trial is demanded as to all counts  
 Jury Trial is NOT demanded as to any count



---

Attorney(s) for Plaintiff  
Erin Copeland

Address, phone number, email address and Bar information:

1150 Bissonnet Street, Houston, TX 77005  
713-751-0025  
ecopeland@fibichlaw.com  
SBN# 24028167/Federal ID# 29219

---